FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5524 OF 2005

Office notes, office Memoranda of appearances, Court's orders or directions & Registrar's orders.	: Coram, : : : :	Court's or Judge's Orders .

Mr. V.B. Naik for the petitioner

Mr. A.Y. Sakhare i/b Smt. Anupama B. Shah for R.

CORAM: SMT. RANJANA DESAI, J.
1/9/2005

P.C.:-

I have heard Mr. Naik learned counsel for the petitioner and Mr. Sakhare learned counsel appearing for R-1.

The learned counsel are agreed that respondents 2 to 7 are not necessary parties for the purpose of this petition. The learned counsel for the parties are agreed that this petition could be disposed of by recording the statement of Mr. Sakhare learned counsel for R-1 and it is not necessary to assign any

reasons.

Mr. Sakhare states that pursuant to the Supreme Court's order respondent 1 has furnished bank guarantee to the trial court in respect of Rs.35 lakhs and has withdrawn the said amount. Mr. Sakhare further submits that First Appeal No. 340/92 arising out of the judgment and decree in Civil Suit No. 111/88 which was disposed of by Civil Judge, Senior Division, Kolhapur is pending in this court.

On instructions from Mr. Ashwin Ashok Shah who is the partner of respondent 1 and who has been authorised to make a statement on behalf of respondent 1, Mr. Sakhare states that till such time as First Appeal No. 340/92 is finally disposed of by this court and for a period of eight weeks thereafter respondent 1 shall hold in trust an amount of Rs.17.50 lakhs in the name of the petitioners without prejudice to the rights and contentions of both sides

and particularly without prejudice to the contention of respondent 1 that the petitioners are not entitled to the said sum.

This arrangement obviously will abide by the final decision of the first appeal and this is an interim arrangement.

It is further clarified that this court has not expressed any opinion on the rights of the parties.

In view of this the petition does not survive and is disposed of as such.

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